

The Honorable Mary Alice Theiler

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

**Damarius Butts**, a deceased individual and  
**Stephanie Butts** an Individual and Mother  
of Damarius Butts and Executor of the  
Estate of Damarius Butts,

Plaintiffs,

vs.

Seattle Police Department Officers  
Elizabeth Kennedy #7725, Hudson Kang  
#7759 Officers Joshua Vaaga #8397; and  
Chris Myers #5452 Who Are Named In  
Their Individual Capacity; Does 1 Through  
15 Who Are Employees Of The Seattle  
Police Department and Are Named In Their  
Individual Capacity; The City of Seattle and  
the Seattle Police Department, which is a  
division Within the City of Seattle,

Defendants.

No. 2:20-CV-00576-MAT

**Jeff Kallis' of KallisLaw Protecting Civil  
Rights P.C.'s Declaration in support of  
the Motion for Leave to Withdraw as  
Counsels of Record LRCP § 83.2**

I, M. Jeffery Kallis, am a principal of Kallislaw- Protecting Civil Rights, P.C. I  
make the following declaration under the laws of the United States against perjury.

I am Co-Counsel for the Plaintiffs in this action and have personal knowledge of  
the facts set forth below. As to those facts set forth on information and belief, I have a

1 good faith belief that they are true and correct. If called to testify I could and would  
2 provide competent testimony in conformity with the following numbered paragraphs.

3 I am in good standing with the Washington State Bar Association, and have been  
4 so since 1998. I am also in good standing with the California State Bar and the Alaska  
5 State Bar Associations, on inactive status.

6 I received a BS-AMS from Carnegie-Mellon University in 1968, a Masters and  
7 Ph.D. in Economics from the University of Pittsburgh in 1979. In 1997 I received a Juris  
8 Doctorate from the University of California, Hasting College Of The Law. I was  
9 admitted to the California State Bar in 1997, the Washington State Bar in 1998 and the  
10 Alaska State Bar in 2004.

11 Between 1970 and 1984 I was a sworn Deputy Sheriff with the Cook County  
12 Sheriff's Office. The highest rank achieved was Assistant Chief of the Criminal Division.

13 1 Plaintiff has been represented by The Law Offices of Thomas Olmstead P.C. and  
14 Kallislaw-Protecting Civil Rights P.C. since the action was first filed.

15 2 The representation was undertaken under a written Contract between the  
16 Plaintiffs and the attorneys.

17 3 That contract specified that the law firms were retained for the purpose of filing  
18 a Complaint and after initial discovery, assess the merits of the case so that the  
19 Plaintiffs could make informed decisions concerning the litigation.

20 4 Plaintiffs' counsels have completed their assessment of the case and having  
21 fulfilled the scope of the limited representation, and now request leave of this  
22 Court to withdraw from representation of the Plaintiffs.

23 5 Both Counsel have met in person with the Plaintiffs and discussed the evidence  
24 and the merits of the case and evidentiary issues and potential costs with  
25 pursuing the action to judgment.

26 6 Counsel explained that their withdrawal is due to professional considerations, in  
27 part because they did not believe that the advice they provide would materially

aid Plaintiffs and that Plaintiffs would be better served by retaining another attorney(s) or via self-representation.

Counsel met with the Plaintiffs on December 22<sup>nd</sup>, 2020 at Mr. Olmstead's Poulsbo Office. Counsel provided a summary of their review of the Discovery and discussed the withdrawal of counsel. The Plaintiffs indicated that they had no objection to the withdrawal, but wanted to see if they could retain other counsel. Plaintiffs indicated that they should have information on the status of their search for new representation by January 8, 2021.

Plaintiffs indicated that they understood the limited scope of counsels' representation.

Plaintiffs were sent a copy of this motion and this Joint Declaration from the law firms.

Opposing counsel for the Defendants were also sent a copy of this motion and the relevant declaration of the attorneys.

DATED this 8th of January 2021.

By: \_\_\_\_/s/ M. Jeffery Kallis  
M. Jeffrey Kallis, WSBA# 27855

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WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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Their Individual Capacity; Does 1 Through  
15 Who Are Employees Of The Seattle  
Police Department and Are Named In Their  
Individual Capacity; The City of Seattle and  
the Seattle Police Department, which is a  
division Within the City of Seattle,

Defendants.

No. 2:20-CV-00576-MAT

**Thomas Olmstead's of the Law Offices  
of Thomas Olmstead P.C. Declaration in  
support of the Motion for Leave to  
Withdraw as Counsels of Record LRCP  
§ 83.2**

I, Thomas Olmstead, am a principal of Olmstead Law Office P.C.. I make the  
following declaration under the laws of the United States against perjury.

1 I am Co-Counsel for the Plaintiffs in this action and have personal knowledge of  
 2 the facts set forth below. As to those facts set forth on information and belief, I have a  
 3 good faith belief that they are true and correct. If called to testify I could and would  
 4 provide competent testimony in conformity with the following numbered paragraphs. I  
 5 am in good standing with the Washington State Bar Association.

6 1 Plaintiff has been represented by The Law Offices of Thomas Olmstead P.C. and  
 7 Kallislaw-Protecting Civil Rights P.C. since the action was first filed.

8 2 The representation was undertaken under a written Contract between the  
 9 Plaintiffs and the attorneys.

10 3 That contract specified that the law firms were retained for the purpose of filing a  
 11 Complaint and attorneys agreed to review initially produced discovery so that  
 12 Attorneys could give an initial assessment on the merits of the case so that the  
 13 Plaintiffs could make informed decisions concerning the litigation.

14 4 Plaintiffs' counsels have completed their assessment of the case and having  
 15 fulfilled the scope of the limited representation, and now request leave of this  
 16 Court to withdraw from representation of the Plaintiffs.

17 5 Both Counsel have met in person with the Plaintiffs and discussed the evidence  
 18 and the merits of the case and evidentiary issues and potential costs with  
 19 pursuing the action to judgment.

20 6 Counsel explained that their withdrawal is due to professional considerations, in  
 21 part because they did not believe that the advice they provide would materially  
 22 aid Plaintiffs search for "Justice" and that Plaintiffs would be better served by  
 23 retaining another attorney(s) or via self-representation.

24 7 Counsel met with the Plaintiffs on December 22<sup>nd</sup>, 2020 at Mr. Olmstead's  
 25 Poulsbo Office. Counsel provided a summary of their review of the Discovery  
 26 and discussed the withdrawal of counsel. The Plaintiffs indicated that they had  
 27 no objection to the withdrawal, but wanted to see if they could retain other  
 counsel. Plaintiffs indicated that they should have information on the status of  
 their search for new representation by January 8, 2021.

1 8 Plaintiffs indicated that they understood the limited scope of counsels'  
2 representation.

3 9 Plaintiffs were sent a copy of this motion and this Joint Declaration from the law  
4 firms.

5 10 Opposing counsel for the Defendants were also sent a copy of this motion and  
6 the relevant declaration of the attorneys.

7  
8 DATED this 8th of January 2021.

9  
10 By: /s/ Thomas S. Olmstead  
Thomas S. Olmstead, WSBA# 8170

11 *Attorneys for Plaintiff*  
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CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically served these documents:  
**Thomas Olmstead's of the Law Offices of Thomas Olmstead P.C. Declaration in support of the Motion for Leave to Withdraw as Counsels of Record LRCP § 83.2; Jeff Kallis' of KallisLaw Protecting Civil Rights P.C.'s Declaration in support of the Motion for Leave to Withdraw as Counsels of Record LRCP § 83.2; and The Law Offices of Thomas Olmstead P.C. and Kallislaw-Protecting Civil Rights P.C.'s Motion for Leave to Withdraw as Counsels of Record LRCP § 83.2** on to the following person(s) by e-mail to the following e-mail addresses and persons, in addition Ms. Butts was sent a copy by U.S. Mail to the address listed below:

Erika Evans, WSBA #51159  
Kerala Cowart, WSBA 53649  
Seattle City Attorney's Office  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104  
Email: [Erika.Evans@seattle.gov](mailto:Erika.Evans@seattle.gov)  
Email: [Kerala.Cowart@seattle.gov](mailto:Kerala.Cowart@seattle.gov)

Stephany Butts  
14625 SE 176<sup>th</sup> St. Unit N104  
Renton WA 98058  
[Ann36candy@gmail.com](mailto:Ann36candy@gmail.com)

DATED this 8<sup>th</sup> day of January, 2021.

/s/ *M. Jeffery Kallis*